

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE WASTE MANAGEMENT DATA
BREACH LITIGATION

Case No. 1:21-CV-06199-DLC

**PLAINTIFFS' NOTICE OF MOTION AND UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 23(e)**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the Plaintiffs hereby submit this Unopposed Motion for Preliminary Approval of Class Action Settlement; the accompanying Memorandum of Law, and the Declaration of Gayle M. Blatt, and the exhibits attached thereto. Plaintiffs Janie Marcaurel, Gabriel Fierro, Shelby Ingram, Mark Krenzer, Mary J. Fusilier, Clifford Harris, Nolan Brodie, Miguel Montelongo, Gerald Davis, and Steven Dudley, will and hereby do move this Court, located at 500 Pearl Street, New York, NY 10007-1312, for an Order, pursuant to Federal Rule of Civil Procedure 23(e):

1. Granting preliminary approval of the settlement described in the "Settlement Agreement" between Plaintiffs and Defendant, and the attachments thereto, including the Claim Form, postcard notice, detailed notice, Proposed Preliminary Approval Order, and Proposed Final Approval Order, attached to the Declaration of Gayle M. Blatt, filed in support of this motion;
2. Provisionally certifying the Settlement Class under Federal Rule of Civil Procedure 23(b)(3) for settlement purposes only;

3. Appointing Gayle M. Blatt of Casey Gerry Schenk Francavilla Blatt Penfield LLP as Class Counsel;
4. Appointing Janie Marcaurel, Gabriel Fierro, Shelby Ingram, Mark Krenzer, Mary J. Fusilier, Clifford Harris, Nolan Brodie, Miguel Montelongo, Gerald Davis, Steven Dudley, Edward Couture, Rafael Moran, and Mary Chubbuck as Class Representatives for the Settlement Class;
5. Approving a customary short/postcard notice to be mailed to the Settlement Class Members (the “Postcard Notice”) in a form substantially similar to that attached as Exhibit 3 to the Settlement Agreement;
6. Approving a customary long form notice (the “Detailed Notice”) to be posted on the settlement website in a form substantially similar to the one attached as Exhibit 2 to the Settlement Agreement;
7. Approving the use of a claim form (the “Claim Form”) substantially similar to that attached as Exhibit 4 to the Settlement Agreement;
8. Directing that notice be sent to the Settlement Class in the form and manner proposed as set forth in the Settlement Agreement and its attachments;
9. Appointing Epiq Systems, Inc. as the Claims Administrator; and
10. Setting a hearing date and schedule for final approval of the Settlement and such other, further, or different relief as the court deems just and proper.

A Proposed Preliminary Approval Order is included as Exhibit 1 to the Settlement

Agreement, which is attached to the Declaration of Gayle M. Blatt as Exhibit A.

Dated: November 9, 2023

**CASEY GERRY SCHENK FRANCAVILLA
BLATT & PENFIELD LLP**

s/ Gayle M. Blatt

Gayle M. Blatt (*pro hac vice*)

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